



1933

## Bar Action Meeting

North Dakota Law Review Associate Editors

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## BAR ACTION AT MEETING

The State Bar Association, among other things, decided upon the following matters:

1. Indefinitely postponed all proposals for changing the compensation law to permit appeals on questions of fact.

2. Reaffirmed its belief in the necessity of further bar integration for the purpose of assuming the necessary disciplinary powers—with directions to formulate a law based on the California act.

3. Voted the return of the special assessment of last year to those who paid.

4. Disapproved of the amendment to the Constitution which would have prevented Judges from holding the office of President or Vice President of the Association.

5. Approved an amendment to deprive the Secretary of a vote on the Executive Committee.

6. Approved the recommendation to give persons accused of crime the right to waive a jury trial.

7. Disapproved of the recommendation to require litigants in civil cases involving less than \$500 to serve demand for jury and deposit a fee of \$24.

8. Authorized and directed the incoming administration to proceed with the vigorous prosecution of persons or parties engaged in unauthorized practice of law.

9. Adopted, with one dissenting vote, a resolution requesting adherence to the World Court by the U. S., without new and further reservations.

10. Adopted the James Morris report of last year concerning criminal law and procedure, and directed the Legislative Committee to prepare the necessary bill.

11. Approved further trial of the docket fee on collections, with list renewal contracts to specify North Dakota attitude.

12. Elected the following officers: J. P. Cain, Dickinson, President; C. L. Foster, Bismarck, Vice President; R. E. Wenzel, Bismarck, Secretary-Treasurer.

## NORTH DAKOTA DECISIONS

*Aas et al vs. St. Anthony Elevator Co.*: D, a tenant of I, gave plaintiffs a note for \$960.25, securing it by chattel mortgage on D's share of the crop to be grown in 1929. The mortgage was duly filed. The crop was harvested and placed in a granary. In December of 1929 a renewal note was executed in sum of \$1081.49, due the next March. About two months later the grain was hauled to defendant's elevator, division made between D and I, and storage tickets issued accordingly. Before such storage and division all except \$241.70 had been paid on the note. In September, 1930, D sold the grain, delivering up the storage tickets. A year later a further credit of \$18.35 was given on the note, and about that time plaintiffs demanded possession of defendant for purpose of foreclosure. The main issue was the right to priority of defendant's lien for storage. HELD: Where no notice of storage has been given, and there is no implied assent to storage, neither the time of the demand nor the time of the conversion by defendant can affect plaintiff's rights. So far as plaintiffs are concerned, defendant was obliged to respect their rights under the mortgage and to surrender possession upon demand. In the absence of a storage contract between plaintiffs and defendant, it was immaterial when the grain was placed in storage.